

## **REMARKS**

The Applicants do not believe that examination of the foregoing amendment will result in the introduction of new matter into the present application for invention. Therefore, the Applicants, respectfully, request that the above amendment be entered in and that the claims to the present application, kindly, be reconsidered.

The Office Action dated April 24, 2005 has been received and considered by the Applicants. Claims 1-9 are pending in the present application for invention. Claims 1-7 are rejected by the April 24, 2005 Office Action. Claims 8-9 are objected to as being dependent from a rejected claim but otherwise states as being allowable.

The Examiner suggests that the Applicant provide specification headings. The Applicant, respectfully, asserts that 37 CFR 1.77(b) does not require that the various sections of the specification to a utility application have a section heading. The only requirement is that the sections appear in a particular order. Accordingly, the Applicant, respectfully, declines to add specification headings as suggested by the Examiner because they are not necessary.

The Abstract is objected to for being arranged in two separate paragraphs. The foregoing amendment to the specification has corrected this oversight.

Claims 1-9 are objected to for informalities. The foregoing amendment to the claims has corrected these informalities. The Applicant would like to, respectfully point out that this amendment is made for formal matters only and not based upon any statutory rejection pertaining to patentability. Therefore, this amendment should have no effect upon the application of the Doctrine of Equivalents for these claims.

Claims 1-6 and 7 are rejected under 35 U.S.C. §101 for as being directed to non-statutory subject matter. The Examiner states that Claim 1-6 define subject matter that directs information stored on a medium and do not provide any functional relationship to the medium to control the medium to access and read the information or impart components to provide functions that are processed by a computer. The Applicant, respectfully, disagrees. Claims 1-6 define subject matter for a method of recording information.

The rejected claims define a recording area that includes a freely accessible addressable user area and the information to be recorded is divided into data packets having the size of a block, wherein successive data packets are recorded in different blocks of said user area; and wherein, if a block appears to be defective, a replacement recording for the relevant data packet is effected in another part of said user area. The foregoing subject matter is related to creating areas on a medium, therefore, there is a functional relationship with the medium that is required to control the medium and the access to the information, contrary to the assertions contained in the Office Action. Furthermore, the steps defined by the rejected claims clearly impart components to provide functions that are must be processed. For instance, if a block appears to be defective, a replacement recording for the relevant data packet is affected in another part of the user area, requires determination of defectiveness and rerouting to store defective blocks in another areas. The rejected claims define subject matter that starts with an unrecorded medium and results in a medium that has data recorded in accordance with the limitations defined by the rejected claims; which is clearly statutory subject matter. Therefore, this rejection is, respectfully, traversed.

Claims 1-3 and 6 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,914,928 issue in the name of Takahashi (hereinafter referred to as Takahashi). The rejection asserts that Takahashi disclose all the elements of the rejected claims. The Examiners state that Takahashi teaches the subject defined by the rejected claims. In order to clearly distinguish the subject matter defined by the rejected claims from the teachings of Takahashi, the Applicant has modified the claims to define subject matter for during the recording session; the replacement zone has a size that can change dynamically. This subject matter is not disclosed or suggested by the cited prior art references. The Applicant, respectfully, submits that the foregoing amendment renders this rejection moot.

Claims 1-3 and 6 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,367,038 issue in the name of Ko (hereinafter referred to as Ko). The rejection asserts that Ko disclose all the elements of the rejected claims. The Examiners state that Ko teaches the subject defined by the rejected claims. In order to clearly distinguish the subject matter defined by the rejected claims from the teachings of Ko, the

Applicant has modified the claims to define subject matter for during the recording session; the replacement zone has a size that can change dynamically. This subject matter is not disclosed or suggested by the cited prior art references. The Applicant, respectfully, submits that the foregoing amendment renders this rejection moot.

Claim 1-3 and 6 are rejected under 35 U.S.C. §103(a) as being obvious over Ko in view of E.P. 0798716 by Ymamuro (hereinafter referred to as Ymamuro). The rejection asserts that Ko disclose all the elements of Claim 5 except if a defective block is encountered during the recording process, the replacement recording is made for a file portion comprising a the plurality of successive data packets. The Examiner asserts that Ymamuro teaches the foregoing subject matter. The Applicant, respectfully, disagrees with the assertion that Ymamuro teach the replacement recording is made using a plurality of successive data packets. Ymamuro teaches that a single ECC replacement block is used in situations where a defect is detected. Therefore, this rejection is traversed. Furthermore, the Applicant respectfully submits that the previously discussed amendment renders this rejection moot.

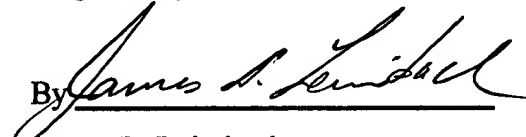
The foregoing amendment to the claims has added new Claims 10-20. New Claim 10 defines subject matter for a plurality of successive data packets following the data packet affected is recorded in the other part of said user area such that a number of the successive data packets is at least 100. This subject matter is discussed on page 6 of the specification. Therefore, examination of Claim 10 should not result in the introduction of new matter into the present application for invention.

The Applicant submits that new Claim 11-20 define subject matter similar to Claim 8 that the Examiner has found to be allowable. Therefore, Claims 11-20 are believed to be allowable.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

By   
James D. Leimbach  
Patent Attorney, Reg. No. 34,374

**Please address all correspondence  
for this case to:**

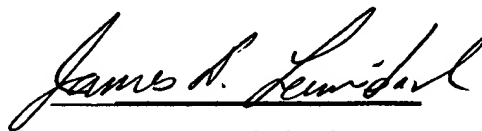
Michael E. Belk  
Senior Intellectual Property Counsel  
Philips Intellectual Property & Standards  
Philips Electronics N.A. Corp.  
P.O. Box 3001  
Briarcliff Manor, NY 10510-8001 USA  
914-333-9643

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